

**REMARKS****Summary of the Office Action**

The Office Action objects to the disclosure as allegedly being “replete with spelling and grammatical errors.”

Claims 1, 2, 5 and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Okunoki et al., U.S. Patent No. 5,808,682 (hereinafter “Okunoki”).

Claims 3 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Okunoki as applied to claims 1 and 5 above, and further in view of Okada, U.S. Patent No. 5,729,295 (hereinafter “Okada”).

Claims 4 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Okunoki as applied to claims 1 and 5 above, and further in view of Takeuchi, U.S. Patent No. 5,990,860 (hereinafter “Takeuchi”).

**Summary of the Response to the Office Action**

Applicants have amended particular paragraphs of the specification to improve their readability and place them in better grammatical form. Applicants have amended claim 6 to correct a minor typographical error. New claims 9-12 are added in order to differently describe the invention. Accordingly, claims 1-12 are currently pending in this application.

**Objection to the Disclosure**

The Office Action objects to the disclosure as allegedly being “replete with spelling and grammatical errors.” Applicants have amended particular paragraphs of the specification to

improve their readability and place them in better grammatical form. Accordingly, Applicants respectfully request that the objection to the disclosure be withdrawn.

**Claim Rejections under 35 U.S.C. §§ 102(b) and 103(a)**

Claims 1, 2, 5, and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Okunoki. Claims 3 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Okunoki as applied to claims 1 and 5 above, and further in view of Okada. Claims 4 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Okunoki as applied to claims 1 and 5 above, and further in view of Takeuchi. These rejections are respectfully traversed for at least the following reasons.

With regard to independent claims 1 and 5, the Office Action alleges that Okunoki teaches all of the limitations of these claims. Okunoki discloses a picture data processing system for processing picture data in which a foreground image moves in front of a predetermined static background image. The Office Action cites to col. 7, line 15 - col. 8, line 24 and states that the “background picture disclosed in Okunoki is analogous to the static image information recited in the claim.” The Office Action then cites to Fig. 8a of Okunoki and alleges that the “foreground picture 31 disclosed in Okunoki is the moving image information and the background picture 30 is the static image information.” The Office Action asserts that in Okunoki “each of the element static image information is smaller than the static image information” and that “[f]igure 8a of Okunoki clearly shows the moving image information to be smaller than the static background information.”

Applicants respectfully traverse this interpretation of Okunoki because no portion of Okunoki discloses that the foreground image data 31 includes a smaller amount of data than the

background image data 30. In particular, Applicants respectfully submit that the opposite is true because the foreground image 31 (i.e., the image of the moving person in Fig. 8A) is much more detailed than the simple background image 30. In particular, the background image 30 is disclosed as being, for example, a “blue screen” that is specified by a 15-bit color code to specify its particular color. See col. 3, lines 44-63 of Okunoki.

Thus, even assuming that the Office Action’s assertion that “[f]igure 8a of Okunoki clearly shows the moving image information to be smaller than the static background information” is correct, the fact that the moving image might occupy a smaller area on the display screen does not mean that it includes less information than the background image. As explained above, the image of the person, shown in the foreground 31 of Okunoki’s Fig. 8A, includes a higher density of detail as compared to the much more simple background information 30, which consists of a single color, or a simple design.

Moreover, Applicants respectfully submit that claim 1 recites that each element static image information, which make up the moving image information of the instant application, when stored in the image information storage device, contains has less information than each of the static image information. However, the arrangement of Okunoki differs from this in that each frame making up the moving foreground image 31 would undoubtedly include a higher density of information than each background image 30. For example, in the case of a single background color, Okunoki discloses that it is only necessary to store a 15-bit color code to specify the actual color, as discussed above.

Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because Okunoki does not teach or suggest each feature of independent claims 1 and 5. As pointed out in MPEP § 2131, “[t]o anticipate a claim, the reference must

teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Furthermore, Applicants respectfully assert that dependent claims 3-4 and 7-8 are allowable at least because of the dependence from their respective independent claims, the reasons set forth above, and because the applied secondary references to Okada and Takeuchi fail to cure the deficiencies discussed above with regard to Okunoki.

### **Newly-Added Claims 9-12**

New claims 9-12 are added in order to differently describe the invention and to afford Applicants with claim scope to which they are entitled. These claims are in condition for allowance at least because of their dependencies on claims 1 or 5 and also for the additional features that they recite.

For example, newly-added claims 9 and 11 recite "so that the static image information and the moving image information are sequentially displayed." Applicants respectfully submit that in Okunoki, as shown in Fig. 8A, which is cited by the Office Action, the moving image 31 is superimposed over the static image 30. In other words, the moving image 31 and the static image 30 are simultaneously displayed. However, in the arrangement of the instant application, the static image (SG) and the moving images (MG) are sequentially displayed. See, for example, Figs. 6A-6D. Such a sequential display is neither shown nor suggested by Okunoki, which

instead superimposes the moving "foreground" image over the "background" static image.

Moreover, Applicants respectfully submit that Okunoki's use of such a simultaneous display of moving and static images teaches away from the concept of a sequential display of static and moving images, along the lines of the disclosure in the instant application.

### **CONCLUSION**

In view of the foregoing remarks, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: July 23, 2004

By:



Paul A. Fournier

Reg. No. 41,023

**CUSTOMER NO. 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel: 202-739-3000  
Fax: 202-739-3001